

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONNELL DEMON JACKSON,

Defendant.

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Case No. 11-20493

Honorable John Corbett O'Meara

**ORDER DENYING  
DEFENDANT'S MOTION FOR DOWNWARD VARIANCE**

This matter came before the court on defendant Donnell Demon Jackson's January 30, 2014 motion for downward variance. The government filed a response February 11, 2014. No oral argument was heard.

In his motion for downward variance, defendant Jackson seeks a sentence below the agreed upon range of 210 to 216 months' imprisonment based on "his chaotic childhood and sexual abuse perpetrated upon him by an uncle." Def's mot. at 1. In addition, defendant Jackson cites his "turbulent childhood and the sexual abuse committed against him and his sister," as well as "his parents' drug use, and the abuse perpetrated upon him by his mother, and against her by others." *Id.* at 3.

In this case the plea agreement set forth defendant Jackson's guideline range as 262 to 327 months, and the parties agreed they would not "take a position [other than that] reflected in the attached [guideline] worksheets." Plea agreement at p. 4. Due to defendant Jackson's previous felony drug conviction, an information was filed pertaining to statutorily-enhanced penalties reflected in 21 U.S.C. § 851, which requires imposition of no less than 20 years and up to life

imprisonment. In addition to the statutory penalty and the agreed upon guideline range, the parties further agreed in the Plea Agreement that the appropriate disposition of this case would include a period of 216 months' incarceration pursuant to Rule 11[c](1)[C]. Therefore, the court will deny defendant Jackson's motion for downward variance.

**ORDER**

It is hereby **ORDERED** that defendant Donnell Demon Jackson's January 30, 2014 motion for downward variance is **DENIED**.

s/John Corbett O'Meara  
United States District Judge

Date: February 13, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 13, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager